

## **REMARKS/ARGUMENTS**

Claims 1-30 were previously pending in the application. Claim 14 is amended; and new claims 31-32 are added herein. Assuming the entry of this amendment, claims 1-32 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

### **Miscellaneous Amendments**

In sections 1-2, the Examiner rejected claim 14 under 35 U.S.C. § 112, second paragraph, as lacking sufficient antecedent basis for two limitations. Claim 14 has been amended as suggested by Examiner. This amendment was not made to overcome any prior-art rejection. The Applicant submits, therefore, that the rejection of claim 14 under 35 U.S.C. § 112, second paragraph, has been overcome.

The originally-filed specification and drawings contained inadvertent errors. The paragraph beginning at page 10, line 30, referred to procedure “DA” instead of procedure “308.” The paragraph has been amended to correct this error. This amendment is supported by page 10, lines 27-28, and Fig. 4 of the originally-filed specification.

The paragraph beginning at page 16, line 9, referred to management computer “510.” However, tag “510” had already been used for the output of West-coast selector 504. See specification, page 16, lines 3-4. The paragraph beginning at page 16, line 9, has been amended to correct this error so that the management computer has the tag “520.” Correspondingly, Fig. 5 has also been amended. Fig. 5 has been further amended to correct an error wherein management computer 520 was inadvertently mislabeled as “AV subsystem B.” This amendment is supported by the originally-filed specification at page 16, lines 9-13, and originally-filed Fig. 5. A replacement sheet showing a corrected Fig. 5 and an annotated sheet showing the changes to Fig. 5 are being filed concurrently herewith.

Claim 15 has been amended to depend from claim 14 for proper antecedent basis for the term “third variable.” This amendment was not made to overcome any prior art.

### **Prior-art rejections**

In sections 3-4, the Examiner rejected claims 1-3, 9, 10, 16-20, 22-25, and 27-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,378,129 to Zetts. In sections 5-6, the Examiner rejected claims 4-7, 21, and 26 under 35 U.S.C. § 103(a) as being unpatentable

over Zetts in view of U.S. Pat. App. Pub. No. 2001/0025377 to Hinderks. In section 7, the Examiner rejected claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Zetts in view of U.S. Pat. App. Pub. No. 2002/0152278 to Pontenzone et al.

#### Allowable Subject Matter

In section 8, the Examiner stated that claims 8, 13, and 15 are directed to allowable subject and would be allowable if rewritten in independent form. In section 9, the Examiner stated that claim 14 would be allowable if rewritten to overcome the 35 U.S.C. § 112, second paragraph, rejection and to include all the limitations of the base claim and any intervening claims.

#### Claim 1

In rejecting claim 1, the Examiner argued that Zetts discloses all of the claimed features of claim 1, including “receiving a reference playlist defining a plurality of attributes . . . the attributes comprising an on-air time, a start-of message, and a duration for each segment.” The Examiner cited column 5, lines 8-22, and col. 2, lines 38-43, as specifically teaching this feature. Although Zetts discloses a playlist that “contains the time the video is to play . . . and the duration . . . of the video clips,” (Zetts, column 5, lines 14-16), it does not disclose a playlist that comprises a start-of message. The Examiner argues that Zetts’ disclosure of “queue with data” discloses such a playlist, but that is not so. Zetts teaches providing a “queue with data” command “using a start offset that was manually calculated.” Column 2, lines 59-63. Nowhere does Zetts teach having media offset information, *e.g.*, a start-of message, in a playlist. See, *e.g.*, Figs. 2, 4, and 6, showing various playlists, none of which include media offset information. Thus, it cannot be said that Zetts teaches this requisite feature of claim 1.

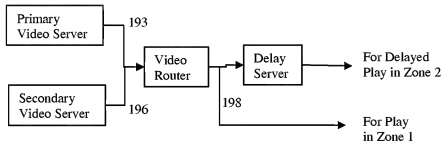
According to the Examiner, Zetts also teaches the feature of “adjusting . . . one or more attributes for one or more program segments in the reference playlist to create a new playlist.” The Examiner cited column 11, lines 12-18, and col. 12, line 43 to col. 13, line 5, as specifically teaching this feature. Zetts might teach issuing commands to one server so that its video stream is in sync with its counterpart in another server, but it does not teach creating a new playlist by adjusting attributes for one or more program segments, as required by claim 1. In fact, Zetts teaches using identical playlists for the primary and secondary servers (see, *e.g.*, Fig. 1; column 2, lines 45-48; column 5, lines 8-13). In disclosing its claimed methodology for synchronizing the identical playlists, Zetts does not teach adjusting program-segment attributes to create a new

playlist, as required by claim 1. Thus, it cannot be said that Zetts teaches this requisite feature of claim 1.

The Applicant submits therefore that claim 1 is allowable over Zetts. For similar reasons, Applicant submits that claims 18, 23, and 30 are also allowable over Zetts. Since claims 2-17 and 31-32 depend variously from claim 1, claims 19-22 depend from claim 18, and claims 24-29 depend from claim 23, it is further submitted that those claims are also allowable over Zetts.

#### Claim 6

In rejecting claim 6, the Examiner argued that Zetts in combination with Hinderks discloses all of the features of claim 6, including that “the specified reference time is based on the current time of day in a second time zone that is different than the first time zone.” Assuming that it is proper to combine the video-streaming system of Zetts with the “delay play” server of Hinderks, which the Applicant does not admit, then such a combination would result in on-air feed 198 of Fig. 1 of Zetts going to one or more delay-play servers so that on-air feed 198 can play at the appropriate scheduled time in different time zones. A simplified diagram of such a combination appears in Diagram 1 below.



**Diagram 1**

There is no suggestion, however, in either Zetts or Hinderks, that the “specified reference time” is based on the current time of day in a second time zone that is different than the first time zone. The “specified reference time” is used for comparison to at least one on-air time in the reference playlist, as specified in claim 1. On page 3 of the Office Action, the Examiner identifies the “specified reference time” as the local time, which is compared with the scheduled time of a video in order to synchronize the two playlists of the primary and secondary video servers. If the Examiner’s identification is correct, which the Applicant does not admit, then the system of Zetts combined with the delay server of Hinderks would still use the local time for comparison with the scheduled time of a video in order to synchronize the two playlists of the

primary and secondary video servers, wherein, after synchronization, on-air feed 198 would continue to be one of analog video 193 and 196 of Zetts' Fig. 1. If the combined system used the time in a different time zone in such a comparison then errors would result and synchronization of the two playlists would be prevented, which would defeat the entire purpose of Zetts. Therefore, it cannot be said that Zetts in view of Hinderks teaches a "specified reference time" that is based on the current time of day in a second time zone that is different than the first time zone.

Thus, the suggested combination could not produce this requisite feature of claim 6. The Applicant submits, therefore, that this provides further grounds for the allowability of claim 6 over Zetts in view of Hinderks. Since claims 7 and 8 depend from claim 6, it is submitted that this provides further grounds for their allowability over Zetts in view of Hinderks. For similar reasons, it is also submitted that this provides further grounds for the allowability of claims 21 and 26 over Zetts in view of Hinderks.

#### Claim 7

Claim 7 has been amended to add the feature "wherein the second on-air feed is substantially a time-delayed version of the first on-air feed." This amendment is supported by the originally-filed specification at page 16, line 23 to page 17, line 3. This feature allows the sourcing of appropriately scheduled programming to two different time zones after a failure of a delay unit, such as delay unit 512 of Fig. 5. Neither Zetts nor Hinderks teaches or even suggests any feature of this sort. Applicant submits, therefore, that this provides further grounds for the allowability of claim 7 over Zetts in view of Hinderks.

#### Claim 11

In rejecting claim 11, the Examiner argued that Zetts in combination with Pontenzone discloses all of the features of claim 11, including that "the received reference playlist is selected from a plurality of playlists." The Examiner cited video archive 140 of Zetts' Fig. 1 as specifically teaching this feature. However, video archive 140 is not analogous to a plurality of playlists. Video archive 140 stores video and is connected to the primary and secondary video servers. Zetts, column 4, lines 57-67. There is no indication that video archive 140 comprises any, let alone a plurality of, playlists. The only playlist in Fig. 1 is playlist 110, which is executed by master automation computer 110, with no active role by video archive 140. Zetts Fig. 1 and column 4, lines 43-47. Furthermore, Zetts does not teach selecting a reference playlist

from a plurality of playlists. Thus, it cannot be said that Zetts discloses this requisite feature of claim 11.

The Applicant submits, therefore, that this provides further grounds for the allowability of claim 11 over Zetts in view of Pontenzone. Since claim 12 depends from claim 11, it is further submitted that this also provides further grounds for the allowability of that claim over Zetts in view of Pontenzone.

#### Claim 31

New claim 31 depends from claim 1 and adds the feature that the adjusting step includes adjusting at least one of the on-air time, the start-of message, and the duration attributes. Support for new claim 31 can be found, *e.g.*, in Fig. 4 and the specification at pages 10-13. Since none of the cited references teaching adjusting either on-air time, start-of message, or duration attributes of one or more program segments based on at least one identified active program segment in order to create a new playlist, Applicant submits that this provides further grounds for the allowability of new claim 31 over the cited references.

#### Claim 32

New claim 32 depends from claim 1 and adds the feature that the adjusting step includes adjusting the on-air time, the start-of message, and the duration attributes. Since none of the cited references teaching adjusting the on-air time, the start-of message, and the duration attributes of one or more program segments based on at least one identified active program segment in order to create a new playlist, Applicant submits that this provides further grounds for the allowability of new claim 32 over the cited references.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

#### Fees

During the pendency of this application, the Commissioner for Patents is hereby authorized to charge payment of any filing fees for presentation of extra claims under 37 CFR

1.16 and any patent application processing fees under 37 CFR 1.17 or credit any overpayment to **Mendelsohn & Associates, P.C. Deposit Account No. 50-0782.**

The Commissioner for Patents is hereby authorized to treat any concurrent or future reply, requiring a petition for extension of time under 37 CFR § 1.136 for its timely submission, as incorporating a petition for extension of time for the appropriate length of time if not submitted with the reply.

Respectfully submitted,

Date: 21-DEC-2007  
Customer No. 22186  
Mendelsohn & Associates, P.C.  
1500 John F. Kennedy Blvd., Suite 405  
Philadelphia, Pennsylvania 19102

/Edward J. Meisarosh/  
Edward J. Meisarosh  
Registration No. 57,463  
Attorney for Applicant  
(215) 599-3639 (phone)  
(215) 557-8477 (fax)